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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/602,691
Applicant: : Sommadossi, et al.
Filed : June 20, 2003
TC/A.U. : 1623
Examiner : Howard V. Owens Jr.

Confirmation No. 1388

Docket No. : 06171.105077 (IDX 1007 CON1)
Customer No. : 20786

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

March 8, 2006

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed November 7, 2005, which is due on April 7, 2006, with a two-month extension of time, please consider the following remarks. A Petition for Extension of Time is enclosed.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this Amendment and Response to Office Action, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

March 8, 2006
Date

John E. Ezcurrea
John Ezcurrea

Pharmaceutical compositions are described on page 58, paragraph 2 to page of the provisional application. An oral dosage form containing 50-1000 mg is specifically described on page 58, paragraph 5. Tablet and capsule dosage units are disclosed on page 59, paragraph 2.

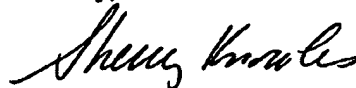
Disclosure of the purity of β -D-2'-methyl-ribofuranosyl nucleosides recited in the claims 142 and 143 can be found on page 47, paragraph 5 to page 48, paragraph 2 of the '585 provisional application. The application discloses that the definition of "substantially free of" or "substantially in the absence of" refers to a nucleoside composition that is at least 85% or 90% by weight, preferably 95% to 98% by weight, and even more preferably 99% to 100% by weight of the designated enantiomer of the nucleoside.

Rejections under 35 USC § 103

The Examiner has rejected claims 130-143 as obvious over U.S. 6,777,395, Bhat et al. As discussed above, provisional application no. 60/206,585, filed on May 23, 2000, predates the earliest priority of Bhat by eight months and provides support for the pending claims.

Withdrawal of the outstanding rejections is respectfully requested. The Commissioner is authorized to charge any fee associated with this Amendment, as well as any other deficiency, to Deposit Account 11-0980.

Sincerely,



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